

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MARK JONES & PAMELA JONES, §
§
Plaintiffs, §
§
v. § Case No. 2:14-cv-694-RWS-RSP
§
HARLEY-DAVIDSON, INC. HARLEY- §
DAVIDSON MOTOR COMPANY §
GROUP, LLC, §
§
Defendants. §

ORDER

The Magistrate Judge's Report recommended that Plaintiffs Mark and Pamela Jones' Motion for Summary Judgment on Defendants Harley-Davidson, Inc. and Harley-Davidson Motor Company Group, LLC's Contributory Negligence Affirmative Defense (Dkt. No. 65) be **DENIED**. The Report identified genuine disputes of material facts on the following issues: (1) whether Plaintiffs negligently operated their motorcycle and (2) whether Plaintiffs failure to wear a helmet contributed to their harm.

The Court finds Plaintiffs have not objected to the Magistrate Judge's Report. The Court further finds there is no clear error in the Magistrate Judge's Report. *See* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." (citing *Campbell v. United States Dist. Court*, 501 F.2d 196, 206 (9th Cir. 1974))). The Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Dkt. No. 121) and finds Plaintiffs Mark and Pamela Jones' Motion for Summary Judgment on Defendants Harley-Davidson, Inc. and Harley-Davidson Motor Company Group, LLC's Contributory Negligence Affirmative Defense (Dkt. No. 65) is **DENIED**.

So ORDERED and SIGNED this 12th day of September, 2016.

Robert W. Schroeder III

ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE